

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

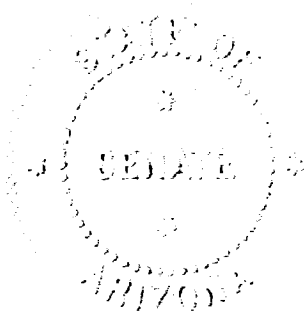
CHAPTER 113

HOUSE BILL 2302

AN ACT

AMENDING SECTION 30-803, ARIZONA REVISED STATUTES; RELATING TO ELECTRIC POWER
COMPETITION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 30-803, Arizona Revised Statutes, is amended to
3 read:

4 30-803. Competition in retail supply of electricity; open
5 markets

6 A. Public power entities may participate in retail electric
7 competition statewide and shall open their entire service territory
8 TERRITORIES to competition to electricity suppliers certificated by the
9 commission pursuant to section 40-207 and to providers of other services.

10 B. Public power entities shall maintain their existing service
11 territories for electric distribution service. Public power entities shall
12 not provide electric distribution services in the service territories of
13 other electric distribution utilities in this state.

14 C. Electric distribution utilities shall continue to provide other
15 services for the service territories they serve as follows:

16 1. Billing and collection services for competitive electric generation
17 services shall be provided on a competitive basis for all retail electric
18 customers that have competitive electric generation service.

19 2. Metering shall be provided on a competitive basis for all retail
20 electric customers that have competitive electric generation service. All
21 meters shall meet or exceed existing standards for safety, reliability and
22 accuracy.

23 3. Meter reading shall be provided on a competitive basis for all
24 retail electric customers that have competitive electric generation service.

25 D. Public power entities shall provide for buy-through service to any
26 electric consumer on request at no additional charge other than charges for
27 required transmission, distribution or ancillary services or for requested
28 brokerage services, and any nonbypassable charges that would otherwise apply,
29 from and after January 1, 2001.

30 E. Public power entities shall allow the aggregation of loads by
31 multiple customers.

32 F. The governing body of a public power entity shall adopt a code of
33 conduct to prevent anticompetitive activities that may result from the public
34 power entity providing both competitive and noncompetitive services to retail
35 electric customers. The code of conduct shall address at least the following
36 issues:

37 1. Policies for allocating costs between noncompetitive and
38 competitive activities to avoid cross-subsidization.

39 2. Policies to prevent employees providing noncompetitive services
40 from directing retail electric customers to the public power entity's
41 competitive services.

42 3. Policies to prevent employees from transferring proprietary
43 information gained in the performance of noncompetitive services to employees
44 engaged in performing competitive services without the consent of the retail
45 electric customer.

1 4. Policies to provide retail electric customers with complete and
2 accurate disclosure of which services are competitive and which services are
3 noncompetitive.

4 5. Policies to prohibit preferential treatment when providing
5 noncompetitive services based on a retail electric customer's provider of
6 competitive services.

7 ~~G. The governing body of a public power entity shall have an annual~~
8 ~~independent audit performed To ensure compliance with the process and~~
9 ~~procedures established in the code of conduct pursuant to subsection F of~~
10 ~~this section. The results of the audit, EACH PUBLIC POWER ENTITY SHALL~~
11 ~~PREPARE ANNUALLY THE FOLLOWING REPORTS THAT shall be made available to the~~
12 ~~public:~~

13 1. A LIST OF ALL EXTRAORDINARY CIRCUMSTANCES EXCUSING THE PUBLIC POWER
14 ENTITY'S COMPLIANCE WITH THE CODE OF CONDUCT AND A REPORT EXPLAINING THE
15 NATURE, CAUSE AND DURATION OF EACH INCIDENT.

16 2. A REPORT DETAILING THE COSTS ASSOCIATED WITH ALL TRANSACTIONS
17 BETWEEN THE PUBLIC POWER ENTITY AND ITS COMPETITIVE RETAIL ELECTRIC
18 AFFILIATES, WITH THE ASSOCIATED COSTS REPORTED SEPARATELY FOR EACH BUSINESS
19 ACTIVITY AND FOR EACH TRANSACTION.

20 3. A REPORT DETAILING HOW MANY CUSTOMERS RECEIVING COMPETITIVE
21 GENERATION SERVICE WERE PROVIDED METERING SERVICES OR METER READING SERVICES
22 BY THE PUBLIC POWER ENTITY AND HOW MANY COMPETITIVE ELECTRICITY SUPPLIERS
23 RECEIVED CONSOLIDATED BILLING SERVICES.

24 H. The governing body of a public power entity shall provide a dispute
25 resolution process including nonbinding third party arbitrators or mediators
26 for customers and interested parties filing a complaint regarding activities
27 that are governed by the policies established pursuant to subsection F of
28 this section. Knowingly and intentionally violating the provisions of this
29 section shall result in the same civil penalties that apply to public service
30 corporations for similar violations.

31 I. The provisions of subsection B of this section are subject to
32 legislative review in 2008. The review shall include recommendations on
33 whether public power entities should retain their then existing distribution
34 service territories.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.



Passed the House March 4, 2003

Passed the Senate April 10, 2003.

by the following vote: 60 Ayes,


by the following vote: 90 Ayes,

0 Nays, 0 Not Voting

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting
Jake Flake
Speaker of the House

Norman L. Fyooce
Chief Clerk of the House


President of the Senate

Chasmin Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20 .

at o'clock M.

Secretary to the Governor

Approved this _____ day of _____

_____ , 20____.

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this 12 day of February, 2019,

at o'clock M.

Secretary of State

H.B. 2302

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 22, 2003,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Jon Kyl
Speaker of the House
Norman L. Fyfe
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 2003

at 11:07 o'clock A M.

Santha Chamisek
Secretary to the Governor

Approved this 28 day of

April, 2003,

at 3³⁰ o'clock P. M.

Jon Kyl
Governor of Arizona

H.B. 2302

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2003,

at 4:51 o'clock P M.

Janice L. Brown
Secretary of State